

REMARKS

In accordance with the Examiner's request, provided herewith is a substitute specification which incorporates the revisions requested at the top of page 2 of the Official Action and all of the typographical matters set forth in section 4 of the Action in addition to further revisions that have been implemented upon a review of the application. For the Examiner's convenience, a marked-up version of the specification has been provided to show the revisions which have been made. The substitute specification does not contain new matter.

The instant document also cancels claims 1-10 without prejudice or disclaimer and presents new claims 11-20. The new claims track the original claims, but with various revisions being made thereto. More specifically, independent claims 1 and 6 now recite that the photosensitive layer is present as a top layer as illustrated in each of the Examples set forth in the specification and in light of the absence of disclosed layers on top of the photosensitive layer. In addition, the claims have been revised to define the solvent system with greater precision. Furthermore, claims 3, 7 and 8 have been presented in independent form as new claims 13, 17 and 18 using the revised solvent system language and claims 4 and 9 have been presented as new dependent claims 14 and 19 which depend from new independent claims 13 and 18, respectively.

Before addressing the reasons why the new claims are patentable over the cited documents, applicant would like to refer the Examiner's attention to the evidence provided in Table 1 located on page 46 of the specification. As set forth therein, when a solvent system in accordance with the present invention is used, high sensitivity can be obtained

with the variation in sensitivity being relatively small when different support thicknesses are used. In contrast, the Comparative Examples exhibit a large variation in sensitivity depending on the thickness of the aluminum support and, in turn, a large variation in the developing properties thereof, even though a cyanine dye within the scope of the claims is used. Thus, it can be understood that the present invention can provide high sensitivity and excellent image formability while maintaining developing stability.

Turning to the documents relied on in the Official Action, Shimazu et al., U.S. Patent No. 6,294,311, relates to a lithographic printing plate that is described as having high chemical resistance. The disclosed printing plate includes a substrate, an underlayer and a top layer with the underlayer containing a combination of polymeric materials that provides resistance both to fountain solution and to aggressive washes such as a UV wash. The underlayer can be used in either thermally imageable or photochemically imageable elements.

Shimazu et al. does not disclose or suggest the various aspects of the present invention defined in the claims now of record. As specifically required in the patent and as noted on page 3 of the Action, Shimazu et al. provides an imageable layer as an underlayer or first layer which is then covered with a top layer. Such relationship is different from the present invention which requires that the defined photosensitive layer be the top layer of the defined precursor. Moreover, Shimazu et al. does not recognize the relationship of the solvent system in accordance with the present invention. Indeed, the patent merely indicates in the paragraph bridging columns 13 and 14 that a "suitable" coating solvent can be used and that such solvent can include mixtures of organic solvents. Such a teaching

certainly does not lead to an understanding of the relationship explained in the present invention and illustrated in the results provided in aforementioned Table 1 of the specification. Hence, the new claims are believed to be patentable over this cited document.¹

The new claims now of record are also believed to be patentable over the combination of Lewis et al, U.S. Patent No. 5,493,971, and DeBoer, U.S. Patent No. 4,973,572. Lewis et al relates to a lithographic printing plate and a method of imaging using the plate, wherein the plate includes a grained-metal substrate, a protective layer that can also serve as an adhesion-promoting primer, and an ablatable oleophilic surface layer.

The surface layer of Lewis et al fails to provide a polymer insoluble in water and soluble in an aqueous alkali solution as defined in the claims of record. Instead, the patent teaches the use of a heat ablative polymer, such as nitrocellulose, in combination with an absorptive material so that the imaging laser causes ablation thereof as indicated in the first full paragraph of column 5 of the patent. As those of ordinary skill in the art will understand, ablation is a physical change that is caused by heat generated due to laser irradiation which is substantially different from the present invention wherein images are recorded by a chemical change that increases the solubility of an exposed portion of the precursor and permits development using an aqueous alkali solution. Therefore, those of ordinary skill in the art will fully comprehend that in the present invention, the presence of a polymer that is insoluble in water and soluble in an aqueous alkali solution is an

¹ Applicant notes that Shimazu et al was not applied against claims 3, 4 and 7-9 and so the corresponding new claims should likewise be recognized as being substantially different from this cited patent.

important ingredient of the defined photosensitive layer which is not important in the ablatable layer of Lewis et al. Thus, Lewis et al cannot be used to reject any of the claims now of record.

The additional reliance on DeBoer to teach the recited dyes does not remedy the deficiencies of Lewis et al set forth above. Thus, the hypothetical combination of the two cited patents also falls far short from being sufficient to justify a rejection of any of the claims now of record and it can be appreciated that the claims now of record are also patentable over this combination of patents.

For all of the reasons set forth above, applicant respectfully submits that the claims now of record are patentable over the cited patents and therefore requests reconsideration and allowance of the present application.

Should the Examiner wish to discuss any aspect of the present application, she is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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